

**THE INTELLECTUAL PROPERTY LAW
OFFICE OF**

MICHAEL J. HUGHES

ATTORNEYS AT LAW/PATENT ATTORNEYS

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FAX: (408) 249-8098

E-MAIL: MichaelH@iplo.com

WEB PAGE: www.iplo.com

2 April 1998

Theodor Holm Nelson
3020 Bridgeway
Sausalito, CA 94965

Re: Many-to-Many Payment System for Network Content Materials
patent application under the Patent Cooperation Treaty

Our ref.: M-5190-03F

98.4.2
M
HUGHES,

Dear Ted:

A critical date in the above matter is approaching and we now need your decision whether you want to start the process of filing individual foreign applications by June 30th; or to file a PCT Chapter II Demand for an International Preliminary Examination by May 30th, which delays filing foreign of national stage applications for up to 10 additional months (April 30th, 1999). Further, you may choose to selectively file some individual foreign applications now, while postponing the others by also filing a Chapter II Demand as well. For example, you might want to directly file a Japanese national stage patent application now. Marketing factors, domestic application progress, and foreign infringement concerns usually motivate such decisions.

If nothing is done by next June 30th all of your existing foreign rights are forfeited.

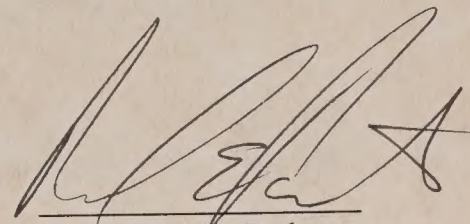
These dates may seem distant, unfortunately they are not. Preparation of foreign national stage applications take considerable time, particularly those requiring certified translations. In general, the buying of time (Chapter II) procedure is best undertaken early also. However, since there is still an outstanding petition in the parent U.S. case which your PCT application claims priority from, what we would like is your tentative prior approval to prepare the necessary PCT Chapter II filing but to not actually file it until the petition is favorably responded to or until the May 30th deadline arrives.

Our usual procedure in the past has been to follow the PCT Chapter II procedure, unless there has been good reason to rush particular foreign applications, because of infringement, for example. This "buying" of an extra ten months does require paying approximately \$650.00 in additional PCT fees. However, the major portion of those fees are for an International

Preliminary Examination, which at least in theory smoothes the prosecutions of the later national stage applications and may help reduce their costs.

Please consider the above options, and advise us how you wish to proceed. Alternately, please promptly contact us with any questions or comments you have. If you would like some strategic if-where-when discussion we will be happy to provide that. We look forward to hearing from you soon.

Very truly yours,



Raymond E. Roberts

RER:rer

SCAN AT RICHMOND

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IP

1998

SPIRKTIME

PAT. KPP

~~ASK R~~

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leaves d 1 Feb

SCANNED

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WEB PAGE: www.iplo.com

1 February 1999

Theodor Holm Nelson
3020 Bridgeway, #295
Sausalito, CA 94965

Via fax to 1 415 332-0136
Confirmation follows via mail

Re: Non-provisional patent application options
for "TIME AND SCHEDULING SYSTEM"
Our ref.: M-5190-05

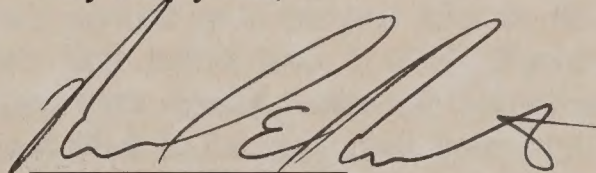
Dear Ted:

Enclosed is a slightly revised version of my January 4th letter. In basing the first version on a Dec. 16th letter I failed to downward adjust the retainer amount. It is now \$2,500.00 rather than \$3,250.00, based on 50% of the total estimate to file. The total remains the same, however.

A further concern is that we will need time to prepare and file the application. We are under a non-extendable May 5th deadline if you want to reap the provisional application's benefit. Accordingly, we need a signed authorization (last page of the enclosed letter) and the retainer by March 5th. That gives us only two months, which may seem a lot of time, but really is not.

Please promptly contact me if you have any comments or questions.

Very truly yours,



Raymond E. Roberts

RER:rer
Enclosure (2 pg.)

\$ PATENT,
SPIRALTIME
09.02.01

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WEB PAGE: www.iplo.com

1 February 1999

Theodor Holm Nelson
3020 Bridgeway, #295
Sausalito, CA 94965

Via fax to 1 415 332-0136
Confirmation follows via mail

Re: Non-provisional patent application options
for "TIME AND SCHEDULING SYSTEM"
Our ref.: M-5190-05

Dear Ted:

It was a pleasure meeting with you and Marlene last Tuesday. This letter will be confined to this specific patent matter.

In essence, I understand that business developments are still in a state of flux and that you want to keep options for this open as long as possible, yet also keep expenses low. The basic problems we face in this are that a U.S. provisional patent application was filed on this last May and you have also had some licensing negotiations for it. To make any priority claims off of the provisional application we must file by next May 5th. Further, since the licensing negotiations are arguably "commercial use" under U.S. law (but not that of most foreign jurisdictions), we probably do not want to risk losing the provisional's priority benefit here.

Based on the above, I advise filing a very basic U.S. non-provisional application claiming priority from the provisional application. We can then rule out a PCT application entirely, or we can still file one for most foreign jurisdictions anytime up to one year after we file the U.S. non-provisional application, i.e., presumably any time before May 5, 2000. **However, if we are going to keep this "late" PCT option open, you cannot make this invention public until after the U.S. non-provisional application is filed.** In foreign jurisdictions there cannot be any public disclosure prior to filing the claimed "priority application" (which for this PCT application would be the new U.S. non-provisional application).

So what does a "very basic U.S. non-provisional patent application" entail? The substantive content is not something that one can skimp on, but there are some procedural tricks that can be used to defer substantial costs. Domestic applications can be filed with informal drawings and only one token claim. Formal drawings are required just before patent issuance and

a final set of claims can be "amended" in later. This saves attorney fees early on, but does require additional cost later, maybe 15-25% more just before patent issuance. If this approach is agreeable, we can reduce the estimate of my December 16th letter to this:

Package Attorneys Fee	
(preparation and filing of U.S. non-provisional application)	4,500.00
Informal Drawings	
(no charge until if and when formals are prepared)	0.00
Official United States Filing Fees	
(based upon Small Entity status)	380.00
Miscellaneous costs	
(online database charges, postage, photocopies, etc.)	120.00
TOTAL	\$5,000.00

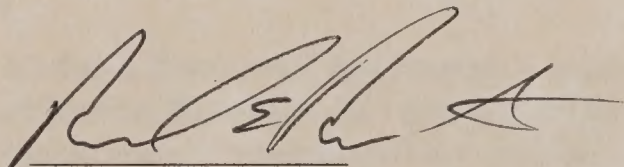
Post filing matters would be as discussed in my December 16th letter, and above.

Retainer: If you wish us to prepare a U.S. non-provisional patent application in this matter, we require an advance retainer in the amount of one-half of the above revised estimate, i.e., **\$2,500.00**. The remainder, adjusted to reflect actual cost amounts, will be due at the time of filing of the respective application.

Should you wish to proceed, please sign one copy of the authorization set forth below, and return the signed copy and payment of the retainer to us.

If you have any questions regarding the above, please do not hesitate to call or e-mail me directly. We look forward to working with you on this and future matters.

Very truly yours,



Raymond E. Roberts

RER:rer

Enc.: Revised estimate copy (for your files)

I authorize THE INTELLECTUAL PROPERTY LAW OFFICE OF MICHAEL J. HUGHES to proceed with a U.S. non-provisional patent application on my behalf as set forth above.

Theodor Holm Nelson

(Date)

(Signature)

THE INTELLECTUAL PROPERTY LAW
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\$PATENT,
Spiral CAL

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TEL: (408) 249-8083
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E-MAIL: MichaelH@iplo.com
WEB PAGE: www.iplo.com

15 July 1998

Theodor Holm Nelson
3020 Bridgeway
Sausalito, California 94965

Re: U.S. Provisional Patent Application Serial No. 60/084,253
TIME AND SCHEDULING SYSTEM
Our ref.: M-5190-05V

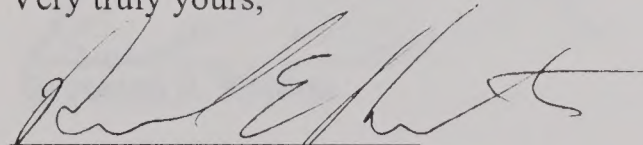
Dear Ted:

Enclosed please find a copy of the official filing receipt which we have now received from the United States Patent and Trademark Office regarding the above-identified provisional patent application. It is now officially confirmed that this invention has "Patent Pending" status. As you will note from the document, the filing receipt indicates that the application was filed in the Patent Office on **5 May 1998** and has been assigned the serial number **60/084,253**. You should keep track of this information but should not distribute it to potential competitors or licensees. The filing date, specific contents of the application, and serial number should all remain secret until the actual issue of a patent.

As noted above, this application was filed as a Provisional Application, a special type of application which receives no substantive examination, but which does provisionally establish a filing date for the invention it discloses. This filing date is "provisional" because its benefit is lost if we do not within one year subsequently file a non-provisional application.

We will be writing or telephoning you shortly about completing and filing a non-provisional application to obtain the provisional benefit which you now have. However, before then, if you have any questions regarding this or any other matter, please do not hesitate to contact us.

Very truly yours,



Raymond E. Roberts

RER:jk
Enclosure: filing receipt

\$HUGHES
[X]

Attorney's Docket No. M-5190-05V

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: NELSON, Theodor Holm

For: TIME AND SCHEDULING SYSTEM

Box Provisional Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231COVER SHEET FOR FILING PROVISIONAL APPLICATION
(37 C.F.R. § 1.51(2)(i))

WARNING: "A provisional application must also include a cover sheet identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under § 1.53(b)(1)." 37 C.F.R. § 1.53(b)(2)(i).

NOTE: "A complete provisional application does not require claims since no examination on the merits will be given to a provisional application. However, provisional applications may be filed with one or more claims as part of the application. Nevertheless, no additional claim fee or multiple dependent claims fee will be required in a provisional application." Notice of December 5, 1994, 59 FR 63951, at 63953.

"Any claim filed with a provisional application will, of course, be considered part of the original provisional application disclosure." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.

NOTE: "A provisional application shall not be entitled to the right of priority under § 1.55 or 35 U.S.C. 119 or 365(a) or to the benefit of an earlier filing date under § 1.78 or 35 U.S.C. 120, 121 or 365(c) of any other application." 37 C.F.R. § 1.53(b)(2)(iii).

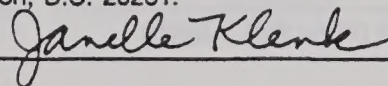
NOTE: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(2)(b). "Any information disclosure statements filed in a provisional application would either be returned or disposed of at the convenience of the Office." Notice of December 5, 1994, 59 FR 63591, at 63594.

NOTE: "No amendment other than to make the provisional application comply with all applicable regulations, may be made to the provisional application after the filing date of the provisional application." 37 C.F.R. § 1.53(b)(2).

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on 5 MAY 1998 (date), in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, Mailing Label Number EL063372706US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature



Janelle Klenk

(type or print name of person certifying)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 C.F.R. 1.10(b))

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8(a) cannot be used to obtain a date of mailing or transmission for this correspondence. 37 C.F.R. 1.8(a)(i)(A)

(Cover Sheet for Filing Provisional Application [23-1]—page 1 of 5)

WARNING: A provisional application may be abandoned by operation of 35 U.S.C. 111(b)(5) on a Saturday, Sunday, or Federal holiday within the District of Columbia, in which case, a nonprovisional application claiming benefit of the provisional application under 35 U.S.C. 119(e) must be filed no later than the preceding day that is not a Saturday, Sunday, or Federal holiday within the District of Columbia. Notice of April 14, 1995, 60 Fed. Reg. 20,195 at 20,202.

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 C.F.R. 1.53(b)(2).

1. The following comprises the information required by 37 C.F.R. § 1.51(a)(2)(i)(A):
2. The name(s) of the inventor(s) is/are (37 C.F.R. § 1.51(a)(2)(i)(B)):

NOTE: While the name or names of the inventors are required in order to accord a provisional application a filing date, a provisional application is not required to be signed by the inventor or the assignee. No oath or declaration is required. Presumably, most provisional applications will be filed by a registered practitioner without a power of attorney being filed. Notice of December 5, 1994, 59 FR 63591, at 63594.

NOTE: "The naming of inventors for obtaining a filing date for a provisional application is the same as for other applications. A provisional application filed with the inventors identified as 'Jones et al.' will not be accorded a filing date earlier than the date upon which the name of each inventor is supplied unless a petition with the fee set forth in § 1.17(i) is filed which sets forth the reasons the delay in supplying the names should be excused. Administrative oversight is an acceptable reason. It should be noted that for a 35 U.S.C. 111(a) application to be entitled to claim the benefit of the filing date of a provisional application the 35 U.S.C. 111(a)[,] application must have at least one inventor in common with the provisional application." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.

The term "invention" is typically used to refer to subject matter which applicant is claiming in his/her application. Because claims are not required in a provisional application, it would not be appropriate to reference joint inventors as those who have made a contribution to the "invention" disclosed in the provisional application. If the "invention" has not been determined in the provisional application because no claims have been presented, then the name(s) of those person(s) who have made a contribution to the subject matter disclosed in the provisional application should be submitted. Section 1.45(c) states that "if multiple inventors are named in a provisional application, each named inventor must have made a contribution, individually or jointly, to the subject matter disclosed in the provisional application." All that § 1.45(c) requires is that if someone is named as an inventor, that person must have made a contribution to the subject matter disclosed in the provisional application. When applicant has determined what the invention is by the filing of the 35 U.S.C. 111(a) application, that is the time when the correct inventors must be named. The 35 U.S.C. 111(a) application must have an inventor in common with the provisional application in order for the 35 U.S.C. 111(a) application to be entitled to claim the benefit of the provisional application under 35 U.S.C. 119(e). Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,208.

"If all the names of the actual inventor or inventors are not supplied when the specification and any required drawings are filed, the provisional application will not be given a filing date earlier than the date upon which the names are supplied unless a petition, with the fee set forth in § 1.17(q), is filed, which sets forth that the reasons for the delay in supplying the names should be excused." 37 C.F.R. § 1.53(b)(2).

1.	<u>Theodor</u>	<u>Holm</u>	<u>NELSON</u>
	GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST) NAME
2.	<u></u>	<u></u>	<u></u>
	GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST) NAME
3.	<u></u>	<u></u>	<u></u>
	GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST) NAME

3. Address(es) of the inventor(s), as numbered above (37 C.F.R. § 1.51(a)(2)(i)(C)):

1. Fujisawa, JAPAN

2. _____

3. _____

4. The title of the invention is (37 C.F.R. § 1.51(a)(2)(i)(D)):

TIME AND SCHEDULING SYSTEM

5. The name, registration, and telephone number of the attorney (if applicable) is (37 C.F.R. § 1.51(a)(2)(i)(E)):

Name of attorney: Raymond E. Roberts

Reg. No. 38,597 Tel. (408) 249-8083

(complete the following, if applicable)

☐ A power of attorney accompanies this cover sheet.

6. The docket number used to identify this application is (37 C.F.R. § 1.51(a)(2)(i)(F)):

Docket No.: M-5190-05V

7. The correspondence address for this application is (37 C.F.R. § 1.51(a)(2)(i)(G)):

IPLO of Michael J. Hughes

1171 Homestead Road, Suite 295, Santa Clara, CA 95050

8. Statement as to whether invention was made by an agency of the U.S. Government or under contract with an agency of the U.S. Government.

(37 C.F.R. § 1.51(a)(2)(i)(H))

This invention was made by an agency of the United States Government, or under contract with an agency of the United States Government.

☒ No.

☐ Yes.

The name of the U.S. Government agency and the Government contract number are: _____

9. Identification of documents accompanying this cover sheet:

A. Documents required by 37 C.F.R. §§ (a)(2)(ii)–(iii):

Specification:

No. of pages 22

Drawings:

No. of sheets 32

B. Additional documents:

☐ Claims:

No. of claims

Note: A complete provisional application does not require claims. 37 C.F.R. § 1.51(a)(2).

☐ Power of attorney

☒ Small entity statement

☐ Assignment

☐ Other

NOTE: Provisional applications may be filed in a language other than English as set forth in existing § 1.52(d). However, an English language translation is necessary for security screening purposes. Therefore, the PTO will require the English language translation and payment of the fee mandated in § 1.52(d) in the provisional application. Failure to timely submit the translation in response to a PTO requirement will result in the abandonment of the provisional application. If a 35 U.S.C. 111(a) application is filed without providing the English language translation in the provisional application, the English language translation will be required to be supplied in every 34 U.S.C. 111(a) application claiming priority of the non-English language provisional application. Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.

10. Fee

The filing fee for this provisional application, as set in 37 C.F.R. § 1.16(k), is \$150.00, for other than a small entity, and \$75.00, for a small entity.

☒ Applicant is a small entity.

NOTE: "A verified statement in compliance with existing § 1.27 is required to be filed in each provisional application in which it is desired to pay reduced fees." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,197.

11. Small entity statement

☒ The verified statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is(are) attached.

12. Fee payment being made at this time

☐ Not enclosed

☐ No filing fee is to be paid at this time. (This and the surcharge required by 37 C.F.R. § 1.16(l) can be paid subsequently).

☒ Enclosed

Total fee enclosed \$ 75.00

13. Method of fee payment

☒ Check in the amount of \$ 75.00

☐ Charge Account No. _____, in the amount of \$ _____
A duplicate of this Cover Sheet is attached.

Please charge Account No. 08-3240 for any fee deficiency.

Date: _____

Tel.: () _____

Date: 5 May 1998

Reg. No.: 38,597

Tel.: (408) 249-8083

Signature of submitter

OR

Signature of attorney

Raymond E. Roberts

(type or print name of attorney)

IPLO of Michael J. Hughes

P.O. Address

1171 Homestead Road, Suite 295

Santa Clara, CA 95050

Attorney's Docket No. M-5190-05V**PATENT**

☒ Applicant NELSON, Theodor H. ☐ Patentee _____
☒ Application No. pending ☐ Patent No. _____
☒ Filed on herewith ☐ Issued on _____
Title: TIME AND SCHEDULING SYSTEM

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b))—INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office, with regard to the invention described in

- ☒ the specification filed herewith, with title as listed above.
☐ the application identified above.
☐ the patent identified above.

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person had made the invention, or to any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.
☐ Each such person, concern or organization is listed below. *

**NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention availing to their status as small entities. (37 CFR 1.27)*

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Theodor Holm NELSON

Name of inventor

Theodor Holm Nelson
Signature of inventor

Date

98.04.07

Name of inventor

Signature of inventor

Date

Name of inventor

Signature of inventor

Date

THE INTELLECTUAL PROPERTY LAW
OFFICE OF
MICHAEL J. HUGHES
ATTORNEYS AT LAW/PATENT ATTORNEYS

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TEL: (408) 249-8083
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E-MAIL: MichaelH@iplo.com
WEB PAGE: www.iplo.com

8 PATENT,

2162AG

4 June 1998

Theodor Holm Nelson,
3020 Bridgeway #295
Sausalito, CA 94965

Re: Provisional patent application follow up
Our ref.: M-5190-04V

EXJ
8 HUGHES

Dear Ted:

It is now time to follow up on the provisional patent application for "INTERACTIVE CONNECTION, VIEWING, AND MANEUVERING SYSTEM FOR COMPLEX DATA" which we filed on your behalf on November 15, 1997. In this letter I cover the options for further action regarding this matter, I discuss the scheduling for completion of those options, and I provide estimates of the costs for us to carry out those options. Although a lot is covered here, that is necessary so that you can make well informed decisions, and also to provide you with a ready reference for what to expect in the next stages of the patent application process.

As you may recall, provisional applications are special because they receive no substantive examination. Instead, they provisionally establish a filing date for the invention which they disclose, a date which is "provisional" because its benefit is lost if a subsequent non-provisional application is not filed within one year. The one year anniversary of our filing of your provisional application is November 15, 1998. This probably seems a long time away, but it is a deadline which absolutely cannot be extended. Any non-provisional applications must be filed by then or they will be treated as if the original provisional application never existed.

There are multiple types of non-provisional patent applications which an applicant may file, and this letter covers only the two most common ones. If you feel that one of these does not address your particular goals, please do not hesitate to request discussion of other types.

Option 1 (filing a non-provisional U.S. domestic patent application):

An applicant may elect to file a U.S. non-provisional application. Such an application is for patent protection only in the United States, because patents are a "territorial right" and patents are only valid and enforceable under the law of the issuing jurisdiction.

FAX

\$ HUGHES,
M

To: Mr Michael Hughes

From: Marlene Mallicoat and Ted Nelson

Phone + 81 466 46 7368

Fax + 81 466 46 7368

Email marlene@xanadu.net

ted@xanadu.net

Date: December 17, 1996

Dear Michael,

We're very concerned about the status of Ted's Xanadu trademark. The paperwork on this is at our office in California, but we're in Japan. Could you check your files and let us know by return fax or email exactly what the upcoming significant dates are and what we should be doing to prepare for them? Is some kind of application for extension required in the near future?

Hope to hear very soon,
Marlene Mallicoat
and Ted Nelson

